

SENATE BILL No. 79

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-42-4-12.

Synopsis: Sexual predators and networking sites. Makes it a Class A misdemeanor for an offender against children to use a social networking program frequented by children or an instant messaging or chat room program. Increases the penalty to a Class D felony if the offender against children uses the program to contact a child or has a prior conviction under this statute.

Effective: July 1, 2008.

Waltz

January 8, 2008, read first time and referred to Committee on Corrections, Criminal, and Civil Matters.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

SENATE BILL No. 79

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-42-4-12 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 12. (a) As used in this section, "instant messaging or**
4 **chat room program" means a software program that allows two**
5 **(2) or more persons to communicate over the Internet in real time**
6 **using typed text.**

7 **(b) As used in this section, "social networking service" means a**
8 **web based software program that:**

9 **(1) is designed to facilitate social interaction among users; and**

10 **(2) allows a user to:**

11 **(A) upload a profile of the user to the service and to access**
12 **the profiles of another user; and**

13 **(B) communicate with another user electronically over the**
14 **Internet.**

15 **(c) As used in this section, "social networking service frequented**
16 **by children" means a social networking service in which at least**
17 **ten percent (10%) of the users are or appear to be less than**



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1 **eighteen (18) years of age.**

2 **(d) An offender against children (as defined in section 11 of this**
3 **chapter) who knowingly or intentionally:**

4 **(1) uses a social networking service frequented by children; or**

5 **(2) uses an instant messaging or chat room program;**

6 **commits a sex offender Internet offense, a Class A misdemeanor.**

7 **However, the offense is a Class D felony if the offender contacts a**
8 **child or a person the offender believed to be a child through the**
9 **social networking service or instant messaging or chat room**
10 **program, or if the offender has a prior unrelated conviction under**
11 **this section.**

12 **SECTION 2. [EFFECTIVE JULY 1, 2008] IC 35-42-4-12, as**
13 **added by this act, applies only to crimes committed after June 30,**
14 **2008.**

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